

ORDINANCE NO. 2146

AN ORDINANCE REPEALING ORDINANCE NO. 2081 ITS ENTIRETY AND PROVIDING FOR CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF GARDNER, KANSAS, UNDER THE AUTHORITY GRANTED BY THE GARDNER, KANSAS, ZONING ORDINANCE.

WHEREAS: having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Gardner, Kansas, Zoning Ordinance, and

WHEREAS: a settlement agreement has been reached between Kelly Company, L.C., and the City of Gardner, regarding District Case No. 03CV3603 & and District Court Case 03CV8302.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: Ordinance No. 2081 is hereby repealed in its entirety.

SECTION TWO: The following described property shall hereafter have a zoning classification of R-1; Single-Family:

CASE NO. Z-03-11

Rezoning from A (Agricultural District) to R-1 (Single Family Residential District)

Legal Description:

Tract A - All that part of the Southeast Quarter of Section 15, Township 14 South, Range 22 East, Sixth Principal Meridian, Johnson County, Kansas more particularly described as follows; Commencing at the Southeast corner of the Southeast Quarter of said Section 15; thence North 89 degrees 53 minutes 47 seconds West, along the South line of the Southeast Quarter of said Section 15, a distance of 1342.96 feet to the point of beginning; thence continuing North 89 degrees 53 minutes 47 seconds West, along the South line of the Southeast Quarter of said Section 15, a distance of 1342.96 feet to the Southwest corner of the Southeast Quarter of said Section 15; thence North 00 degrees 01 minutes 41 seconds East, along the West line of the Southeast Quarter of said Section 15, a distance of 2654.69 feet to the Northwest corner of the Southeast Quarter of said Section 15; thence North 89 degrees 41 minutes 07 seconds East, along the North line of the Southeast Quarter of said Section 15, a distance of 348.88 feet; thence South 20 degrees 27 minutes 54 seconds East, a distance of 597.16 feet; thence South 37 degrees 17 minutes 09 seconds East, a distance of 413.05 feet; thence South 23 degrees 35 minutes 14 seconds East, a distance of 489.76 feet; thence South 09 degrees 02 minutes 38 seconds West, a distance of 595.60 feet; thence South 80 degrees 14 minutes 27 seconds East, a distance of 435.95 feet to a point on the West line of the East Half of the Southeast Quarter of said Section 15; thence South 00 degrees 09 minutes 16 seconds East, along the West line of the East Half of the Southeast Quarter of said Section 15, a distance of 660.01 feet to the point of beginning, containing 55.45 acres more or less, except that part in roads.

Phase I of Tract B less Substation Tract – All that part of the Southeast Quarter of Section 15, Township 14, Range 22, Johnson County, Kansas, described as follows: Beginning at the Southeast corner of the Southeast Quarter of said Section 15; thence North 89 degrees 53 minutes 47 seconds West, along the South line of the Southeast Quarter of said Section 15, a distance of 682.95 feet; thence North 0 degrees 09 minutes 16 seconds West, a distance of 660.01 feet; thence North 89 degrees 53 minutes 47 seconds West, parallel to the South line of the Southeast Quarter of said Section 15, a distance of 660.01 feet; thence North 80 degrees 14 minutes 27 seconds West, a distance of 100.00 feet; thence North 29 degrees 15 minutes 37 seconds East, a distance of 766.10 feet; thence North 37 degrees 03 minutes 32 seconds East, a distance of 717.81 feet; thence North 69 degrees 15 minutes 16 seconds East, a distance of 210.00 feet; thence South 22 degrees 24 minutes 23 seconds East, a distance of 234.69 feet; thence North 89 degrees 39 minutes 52 seconds East, a distance of 340.00 feet, to a point on the East line of the Southeast Quarter of said Section 15; thence South 68 degrees 58 minutes 08 seconds West a distance of 480.00 feet; thence South 39 degrees 14 minutes 11 seconds West a distance of 332.63 feet; thence South 0 degrees 20 minutes 08 seconds East, parallel to the East Line of the Southeast Quarter of said Section 15, a distance of 240.00 feet; thence South 73 degrees 45 minutes 42 seconds East a distance of 117.43 feet; thence South 89 degrees 53 minutes 47 seconds East, parallel to the South line of the Southeast Quarter of said Section 15, a distance of 548.39 feet; thence South 0 degrees 20 minutes 08 seconds East, along the East line of the Southeast Quarter of said Section 15, a distance of 1076.27 feet, to the point of beginning, containing 31.90 acres more or less.

SECTION THREE: The following described property shall remain with the zoning classification of A (Agricultural District):

“A” ZONING

Legal Description:

Substation Tract - All that part of the Southeast Quarter of Section 15, Township 14, Range 22, Johnson County, Kansas, described as follows: Commencing at the Southeast corner of said Section 15; thence North 0 degrees 20 minutes 08 seconds West, along the East line of the Southeast Quarter of said Section 15, a distance of 1076.27 feet to the point of beginning; thence North 89 degrees 53 minutes 47 seconds West, parallel to the South line of the Southeast Quarter of said Section 15, a distance of 548.39 feet; thence North 73 degrees 45 minutes 42 seconds West, a distance of 117.43 feet; thence North 0 degrees 20 minutes 08 seconds West, parallel to the East line of the Southeast Quarter of said Section 15, a distance of 240.00 feet; thence North 39 degrees 14 minutes 11 seconds East, a distance of 332.63 feet; thence North 68 degrees 58 minutes 08 seconds East a distance of 480.00 feet to a point on the East line of the Southeast Quarter of said Section 15; thence South 0 degrees 20 minutes 08 seconds East, along the East line of the Southeast Quarter of said Section 15, a distance of 703.73 feet to the point of Beginning, containing 8.27 acres, more or less.

Phase 2 of Tract B - All that part of the Southeast Quarter of Section 15, Township 14, Range 22, Johnson County, Kansas, described as follows: Commencing at the Southeast corner of the Southwest Quarter of said Section 15; thence North 0 degrees 20 minutes 08 seconds West, along the East line of the Southeast Quarter of said Section 15, a distance of 1,780.00 feet, to the point of beginning; thence South 89 degrees 39 minutes 52 seconds West, a distance of 340.00 feet; thence North 22 degrees 24 minutes 23 seconds West, a distance of 234.69 feet; thence South 69 degrees 15 minutes 16 seconds West, a distance of 210.00 feet; thence South 37 degrees 03 minutes 32 seconds West, a distance of 717.81 feet; thence South 29 degrees 15 minutes 37 seconds West, a distance of 766.10 feet; thence North 80 degrees 14 minutes 27 seconds West, a distance of 335.95 feet, thence North 9 degrees 02 minutes 38 seconds East, a distance of 595.60 feet, thence North 23 degrees 35 minutes 14 seconds West, a distance of 489.76 feet, thence North 37 degrees 17 minutes 09 seconds West, a distance of 413.05 feet,

thence North 20 degrees 27 minutes 54 seconds West, a distance of 597.16 feet, to a point on the North line of the Southeast Quarter of said Section 15;thence North 89 degrees 41 minutes 07 seconds East along the North line of the Southeast Quarter of said Section 15, a distance of 450.12 feet; thence South 19 degrees 59 minutes 13 seconds East, a distance of 297.36 feet; thence North 89 degrees 41 minutes 07 seconds East, parallel to the north line of the Southeast Quarter of said Section 15, a distance of 1,770.00 feet, to a point on the East line of the Southeast Quarter of said Section 15; thence South 0 degrees 20 minutes 08 seconds East, along the East line of the Southeast Quarter of said Section 15, a distance of 614.25 feet, to the point of beginning, containing 46.45 acres more or less.

Phase 3 of Tract B - All that part of the Southeast Quarter of Section 15, Township 14, Range 22, Johnson County, Kansas, described as follows: Commencing at the Southeast corner of the Southwest Quarter of said Section 15; thence North 0 degrees 20 minutes 08 seconds West, along the East line of the Southeast Quarter of said Section 15, a distance of 2,394.25 feet, to the point of beginning; thence South 89 degrees 41 minutes 07 seconds West, parallel to the North line of the Southeast Quarter of said Section 15, a distance of 1,170.00 feet; thence North 19 degrees 59 minutes 13 seconds West, a distance of 297.36 feet; to a point on the North line of the Southeast Quarter of said Section 15; thence North 89 degrees 41 minutes 07 seconds East along the North line of the Southeast Quarter of said Section 15, a distance of 1,870.00 feet, to the Northeast corner of the Southeast Quarter of said Section 15;South 0 degrees 20 minutes 08 seconds East, along the East line of the Southeast Quarter of said Section 15, a distance of 280.00 feet to the point of beginning, containing 11.70 acres more or less.

SECTION FOUR: That upon the taking effect of this Ordinance, the above zoning changes shall be incorporated and shown on the Zoning District Map previously adopted by reference, and said Zoning District Map is hereby reincorporated as a part of the Zoning Ordinance as amended.

SECTION FIVE: That this Ordinance shall take effect and be in force from and after its adoption by the City Council and publication in the official City Newspaper.

PASSED and APPROVED this 18th day of April, 2005.

ATTEST:

Carol Lehman, Mayor

Gwen Scott, City Clerk

(SEAL)